

COMMENT SHEET

OCA 2887-88

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TO:

Office of Congressional Affairs

FROM:

Compensation, Automation, and Planning/OP

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SUBJECT: H.R. 5124 and H.R. 5125, Amendments to 3 USC 112 Concerning
Details to the White House Office

Subject bill has been reviewed by the Office of Personnel and our
position is as follows:

 X No objection.

 Continue monitoring/OP interest.

 X No CIA equities.

 Seek CIA exemption.

 X Advise OP when enacted.

 X Comments.

OH.R. 5124 amends 3 USC 112 to require reimbursement for employees detailed to the White House Office and other listed offices for the full period of time for which such employees are detailed, rather than only for those periods in excess of 180 calendar days in any fiscal year. This is not our fight. However, we would benefit from this provision.

H.R. 5125 amends the same section to provide that employees holding positions excepted from the competitive service because of their confidential or policy-determining character may not be detailed to the White House Office or certain other offices. All positions in the CIA are excepted from the competitive service based upon the Agency's special authority, under section 8 of the CIA Act of 1949, to establish and maintain its own separate and distinct personnel system. In addition to positions specifically excepted from the competitive service by or under statute (e.g. the Agency's), OPM has the authority to except positions from the competitive service. OPM lists these positions in what are called Schedules A, B, and C. Positions of a confidential or policy-determining character are listed in Schedule C. Thus, Agency employees would not fall within the group of employees who could not be detailed to the White House Office. Again, since this is not our fight, we have no objections one way or another.

STAT

23 August 1988
Date

Name/Signed

100TH CONGRESS
2D SESSION

H. R. 5125

To amend title 3, United States Code, to provide that employees holding positions excepted from the competitive service because of their confidential or policy-determining character may not be detailed to the White House Office or certain other offices.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1988

Mr. STARK introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 3, United States Code, to provide that employees holding positions excepted from the competitive service because of their confidential or policy-determining character may not be detailed to the White House Office or certain other offices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESTRICTION.**

4 Section 112 of title 3, United States Code, is
5 amended—

6 (1) by inserting “(a)” before the first sentence
7 thereof; and

1 (2) by adding at the end the following:

2 “(b)(1) The authority to detail an employee under sub-
3 section (a) may not be exercised with respect to any employ-
4 ee described in paragraph (2).

5 “(2)(A) This subsection applies with respect to any em-
6 ployee whose position has been excepted from the competi-
7 tive service by reason of its confidential or policy-determining
8 character.

9 “(B) For the purpose of this paragraph, the term ‘com-
10 petitive service’ has the meaning given such term by section
11 2102 of title 5.”.

12 **SEC. 2. EFFECTIVE DATE.**

13 The amendments made by section 1 shall take effect on
14 the date of the enactment of this Act, but shall not apply
15 with respect to any detail commencing before such date.
16 However, any detail commencing before such date may not
17 thereafter be renewed or otherwise extended in any instance
18 in which such detail would, if it were a detail then first com-
19 mencing, not be allowable under the amendments made by
20 section 1.

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